## REMARKS

Claims 1 – 116 remain in the application. Claims 1, 2, 3, 39 – 50, 52, 53, 54, 85, 86, 88 –

96, 98 – 100, 106, 107, 113 and 114 have been amended. Of the claims under consideration,

claims 1 and 52 are independent.

A Petition for a Three Month Extension of Time is enclosed herewith, along with the

appropriate fee.

In the subject office action, Claims 1-18, 20-69 and 71-116 were rejected under 35 USC

§ 102(e) as anticipated by the US Patent No. 6,005,561 (Hawkins, et al.). Additionally, Claims

19 and 70 were rejected under 35 USC § 103(a) for obviousness over Hawkins, et al.

With respect to the rejection of Claims 1-18, 20-69, and 71-116, under 35 USC § 102(e),

Applicant respectfully submits that in responding to this rejection, Applicant does not waive the

opportunity to submit an Affidavit Or Declaration Of Prior Invention in accordance with 37 CFR

§ 1.131. Applicant expressly reserves the right to submit such an affidavit or declaration under

CFR § 1.131 at a later date should this become necessary.

Applicant further traverses the rejection of the Claims under 35 USC § 102(e) as

anticipated by Hawkins, et al.

Specifically, the presently claimed invention is directed to a method and system allowing

for the creation of highly targeted video programming content, with the video programming

content adaptively customized for each of an individuated set of viewers. A conventional linear

video program is subdivided into video programming segments, such as scenes and advertising

content, which are assembled, in sequential fashion, in order to define what appears to be a linear

video program.

The presently claimed invention is further concerned with providing various alternative

video programming segments that are able to be sequentially combined into a complete linear

program. Alternative video programming segments may be substituted for one another. When

alternative video programming segments are substituted for one another, in the program flow of

an apparently linear program, the resulting program creates a customized viewing experience

that is adaptively configured for each individual viewer. Selection of which particular ones of

the alternative video programming segments are to be included in the program is determined by a

multitude of different factors, but not least by analysis of particular viewing preferences of each

individual user.

The result of this segmentation and substitution is the creation of an apparently linear

video program, which is different for each individual viewer based upon each viewer's

determined preferences. In short, and in the context of the presently claimed invention, one

viewer might experience a more "raunchy" Seinfeld episode, by having more "explicit"

alternative video programming segments incorporated into their program flow, while another

viewer, with children, would experience an episode that was considerably more "family-

friendly", by having more "benign" alternative video programming segments incorporated into their program flow.

Advertising and other inserts of video programming segments may also be different for each user; resulting in a unique video program experience for each of a number of different viewers.

Independent Claims 1 and 52 have been amended to more clearly point out this particular feature of the presently claimed invention. Independent Claims 1 and 52 made clear that a linear video program is comprised of a set of programming segments that create a linear program when assembled. Segments are provided in alternative forms, such that a different segment, having different content, may be substituted into the video flow in accordance with the viewing, demographic, or other preferences of the viewer.

Hawkins, et al. is not understood to disclose or suggest any of the foregoing, and is particularly not understood to disclose or suggest subdividing a video program into a set of discrete video programming segments, such that sequential display of the video programming segments results in an apparently linear video program. Nor does Hawkins, et al disclose or suggest configuring the set of video programming segments for each viewer, with at least one of the video programming segments selected from a plurality of available alternative video programming segments, to create a customized and apparently linear program for linear delivery to each of the plurality of viewers in accordance with viewer characteristic information.

Specifically, Hawkins, et al. discusses a user interface that supports an electronic

program guide (EPG) hosted as digital media objects and a transmission methodology for

transmitting the same to a plurality of viewers. Additionally, the subject of the Hawkins, et al.

reference utilizes a broadcast streaming approach for information delivery through a

conventional television distribution network. Full motion video, still images, artwork, music,

information and other data are provided to an end user as an information guide to all information

sources available on a network in order to minimize bandwidth overhead issues that attend

broadcast or cable systems.


In short, Hawkins, et al. discloses nothing more than a methodology for broadcasting a

data stream of media objects that define broadcast programming information program guide.

The Hawkins, et al. reference says nothing about the content of the video programs for which the

Hawkins, et al. programming guide is indicative. Each of the Hawkins, et al. objects are

internally fixed. None of the Hawkins, et al. objects is capable of segmentation and none of the

Hawkins, et al. objects are assembled from segments into an apparently linear program.


The Hawkins, et al. reference, therefore, does not disclose or suggest subdividing

programs into programming segments and then adaptively constructing a linear video program

from a set of alternative programming segments depending on a viewer's preference, the

demographic characteristics of a set of viewers, or the like. Indeed, the Hawkins, et al. reference

says absolutely nothing about how programming is constructed or adaptively changed. Hawkins,

et al. only describes a system and method by which electronic programming guide (EPG)

information may be provided to multiple users without adversely affecting transmission

bandwidth.

Applicant respectfully submits that Independent Claims 1 and 52 contain patentable

subject matter over the Hawkins, et al. reference. Further, Claims 2-51 and 53-116 depend from

Independent Claims 1 and 52 and partake of their novel subject matter. In view of the foregoing,

Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1-116

over US Patent No. 6,005,561 to Hawkins, et al.

Applicant respectfully requests a timely notice of allowance and early passage to issue of

this case.

## CONCLUSION

For these, and other, reasons, Applicants believe that the claims are in condition for

allowance.  Reconsideration, re-examination, and allowance of all claims are respectfully

requested.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900

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Please charge any additional fees to our Deposit Account No. 01-1960.  An additional

copy of this letter is enclosed for that purpose.

Respectfully submitted,
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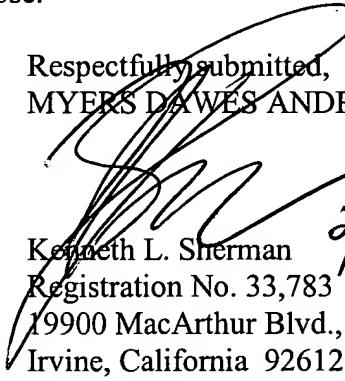
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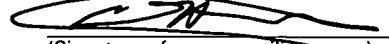
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